

# **KAWELA 4-LOT SUBDIVISION**

## **PROJECT ASSESSMENT REPORT FOR SMA ASSESSMENT REQUESTS**

**TMK: 5-4-001: 028  
Kawela, Molokai, Hawai'i**

**PREPARED FOR:  
ELIZABETH JACKSON  
821 Kainui Drive  
Kailua, HI**

**Prepared by:  
Luigi Manera  
P.O. Box 1718  
Kaunakakai, HI 96748**

**July 2010**

## TABLE OF CONTENTS

<b>I. PROJECT INFORMATION .....</b>	<b>1</b>
A. PREFACE.....	1
B. PURPOSE OF THE REQUEST .....	1
C. PROJECT PROFILE .....	2
D. IDENTIFICATION OF THE APPLICANT .....	3
E. CONSULTANT .....	3
<b>II. DESCRIPTION OF THE PROPERTY AND PROPOSED ACTION .....</b>	<b>4</b>
A. PROPERTY LOCATION .....	4
B. PAST AND PRESENT LAND USE .....	4
C. LAND USE DESIGNATIONS .....	5
D. DESCRIPTION OF PROPOSED ACTION .....	5
E. ALTERNATIVES CONSIDERED .....	6
1. NO ACTION ALTERNATIVE .....	6
2. DEFERRED ACTION .....	6
3. OTHER ALTERNATIVES .....	6
<b>III. DESCRIPTION OF THE EXISTING ENVIRONMENT, POTENTIAL IMPACTS, AND MITIGATION MEASURES .....</b>	<b>8</b>
A. PHYSICAL ENVIRONMENT .....	8
1. LAND USE .....	8
2. TOPOGRAPHY AND SOILS .....	9
3. FLOOD AND TSUNAMI ZONE .....	10
4. FLORA AND FAUNA .....	10
5. AIR QUALITY .....	11
6. NOISE CHARACTERISTICS .....	12
7. ARCHAEOLOGICAL/CULTURAL RESOURCES .....	13
8. SCENIC RESOURCES .....	14
B. SOCIO-ECONOMIC ENVIRONMENT.....	14
1. POPULATION .....	14
2. ECONOMY .....	15

3. HOUSING.....	15
<b>C. PUBLIC SERVICES .....</b>	<b>16</b>
1. RECREATIONAL FACILITIES .....	16
2. POLICE AND FIRE PROTECTION.....	17
3. SCHOOLS.....	19
4. MEDICAL FACILITIES .....	19
5. SOLID WASTE.....	20
<b>D. INFRASTRUCTURE.....</b>	<b>21</b>
1. WATER .....	21
2. WASTEWATER.....	22
3. DRAINAGE.....	22
4. ROADWAYS .....	23
5. ELECTRICAL AND TELEPHONE SERVICE .....	24

#### **IV. RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES, AND CONTROLS .....25**

<b>A. STATE LAND USE LAW .....</b>	<b>25</b>
<b>B. GENERAL PLAN OF THE COUNTY .....</b>	<b>25</b>
<b>C. MOLOKAI COMMUNITY PLAN.....</b>	<b>26</b>
<b>D. COUNTY ZONING.....</b>	<b>28</b>
<b>E. SPECIAL MANAGEMENT AREA.....</b>	<b>31</b>
<b>F. SHORELINE SETBACK AREA.....</b>	<b>37</b>

#### **V. FINDINGS AND CONCLUSIONS.....39**

#### **VI. REFERENCES.....41**

## ATTACHMENTS

### FIGURES

Figure No.1	Regional Location Map
Figure No.2	TMK Location Map
Figure No.3	Site Photographs
Figure No.4	State Land Use Map
Figure No.5	Community Plan Map
Figure No.6	Subdivision Plan
Figure No.7	Soils Report
Figure No.8	Flood Hazard Assessment Report



## **I. PROJECT INFORMATION**

### **A. PREFACE**

The subject property consists of 4.947 acres and is identified by TMK 5-4-001: 028. The property is located in the State Urban District and is designated Single Family by the Molokai Community Plan and Interim by Maui County zoning. The property is also located within the limits of the Special Management Area (SMA) for the island of Molokai.

The Applicant is currently in the process of subdividing the subject property to create four (4) house lots. On behalf of the Applicant, Ms. Elizabeth Jackson, a consolidated application for a change in zoning has been prepared to establish R-3, Residential District zoning for the subject parcel in order to provide consistency with the State land use and community plan designations for the site, as well as to address SMA permitting requirements for the 4-lot subdivision.

### **B. PURPOSE OF THE REQUEST**

This Project Assessment Report has been prepared in support of an application for a change in zoning and a SMA Use Permit for a 4.947-acre parcel in the Kawela area of Molokai. The granting of the proposed request will enable the Applicant to address conditions for final subdivision approval for the Swenson-Jackson Subdivision (DSA 5.644; SUBD 20010052) that is currently being processed by the County of Maui, and is also referred to herein as the Kawela 4-Lot Subdivision.

The application for the 4-lot subdivision was filed with the County in July 2001. On September 10, 2001, the Department of Public Works and Environmental Management (DPWEM) granted preliminary approval for the subdivision. Final subdivision approval is subject to the conditions of preliminary approval, which includes compliance with Section 18.04.030 of the Maui County Code. This section states in pertinent part that, *“the director shall not approve any subdivision that does not conform to or is consistent with the county general plan, community plans, land use ordinances, the provisions of*

*the Maui County Code, and other laws relating to the use of land...*". Accordingly, the Applicant is seeking to change the zoning of the subject property from Interim to the R-3, Residential District in order to establish consistency among the current State land use, community plan, and zoning designations for the subject property, as well as to address SMA permitting requirements for 4-lot subdivision.

The granting of the change in zoning and SMA Use Permit requests is subject to the actions of the Maui County Council and the Molokai Planning Commission, respectively. The County Council is the decision-making body for all zoning changes. The Planning Commission is the decision-making body in all matters relating to the Hawaii Coastal Zone Management Act, including actions within the SMA on the island of Molokai. The Commission also reviews requests for zoning changes and after public hearings, transmits its findings and recommendations to the Council for consideration and action.

### **C. PROJECT PROFILE**

Proposed Action:	Subdivision of the subject property to create four (4) residential house lots
Lot Sizes:	32,403 to 57,649 square feet (10,000 sq. ft. minimum lot size)
Existing Land Use:	Two (2) Vacant land and Two (2) dwelling
Total Project Area:	4.957 acres
Access:	Kamehameha V Highway

**D. IDENTIFICATION OF THE APPLICANT**

Landowners:	Lyle Dunham & Mel James (Unit A), Bill Large (unit B), Peter Chan (Unit C), and Elizabeth Jackson (Unit D)
Applicant:	Ms. Elizabeth Jackson
Address:	821 Kainui Drive Kailua, HI 96734
Phone/Fax:	Phone: (808) 261-2500; Fax: (808) 261-2599

**E. CONSULTANT**

Land Use Planners:	Luigi Manera P.O. Box 1718 Kaunakakai, HI 96748
Phone/Fax:	Phone: (808) 553-9045, Fax: (808) 553-3952
Contact:	Luigi Manera



## **II. DESCRIPTION OF THE PROPERTY AND PROPOSED ACTION**

### **A. PROPERTY LOCATION**

Identified by TMK 5-4-001: 028, the subject property is an oceanfront parcel situated along the south-central coast of Molokai. The property is located *makai* of Kamehameha V Highway property and approximately 5 miles east of the town of Kaunakakai. (See: Figure Nos. 1 and 2, Regional Location Map and TMK Location Map).

### **B. PAST AND PRESENT LAND USE**

The Applicant and another individual purchased the property in 1991. Prior to this transfer, the subject property was vacant and undeveloped. In 1993, the Applicant constructed a 672 sq. ft. cottage at the east end of the property (B93/0671; 4112/93). Although it subsequently expired, the landowners received preliminary subdivision approval in 1993 for the 2-lot Kamakana Subdivision (DSA 5.530; SUBD 500530).

In 1996, the subject property was the subject of a Horizontal Property Regime (HPR), which established the Ho'omaluhia Condominium. As a result of this HPR, the property became a single real-estate unit that was divided into four (4) separately owned units, with Units A and B owned by the other individual and Units C and D owned by the Applicant. Also in 1996, the landowners constructed separate 64 sq. ft. storage sheds for Units B, C, and D (B960081-B960083; 5/9/96). On September 10, 2001, the Applicant received preliminary subdivision approval for the current subdivision application (DSA 5.644; SUBD20010052). On August 1, 2005 and June 3, 2004, Units A and B were purchased by Lyle Dunham & Mel James, and Bill Large, respectively. In 2005 a 2,317 square foot dwelling was built on Unit B

In addition to the previously referenced onsite improvements, a concrete slab, several hose bibs, a small pre-manufactured aboveground propane storage tank, two (2) 8 ft. x 20 ft. pre-fabricated storage containers, and an individual wastewater system (septic tank and leach field) are located on Unit D. Other onsite improvements existing on the subject property include four (4) 5/8-inch water meters and two (2) double service laterals, while offsite improvements include two (2) fire hydrants and approximately 250 linear feet of 8-inch waterline.

**C. LAND USE DESIGNATIONS**

State Land Use Classification:	Urban (See: Figure No.4, State Land Use Map)
Molokai Community Plan:	Single Family (See: Figure No.5, Community Plan Map)
County Zoning:	Interim
Flood Zone Designation:	A2, area of 100-year flooding
Special Designations	Special Management Area

**D. DESCRIPTION OF PROPOSED ACTION**

The Applicant is currently in the process of subdividing the property into four (4) lots with a minimum lot area of 10,000 square feet. (See Figure 6, Subdivision Plan).

To comply with County requirements for final subdivision approval, on- and offsite water system improvements were constructed in 2003. These improvements included approximately 250 linear feet of 8-inch waterline, two (2) fire hydrants, two (2) double service laterals, and four (4) 5/8-inch water meters.

No other subdivision improvements are proposed, as site improvements such as grubbing and grading, power and phone line extensions, the construction of homes, and the installation of driveway aprons and individual wastewater systems will be the responsibility of lot owners and will be implemented at such time their lots are developed. In addition, no structures or activities are proposed in the shoreline setback

area as part of the proposed action.

It should be noted that any dwellings that are constructed on the subject property will be for long-term occupancy (more than 180 days per year) by lot owners or tenants and will not be utilized for transient vacation rentals or any other short-term use.

## **E. ALTERNATIVES CONSIDERED**

### **1. No Action**

**Analysis.** As previously noted, the subject property is located in the State Urban District and is designated for Single Family and Interim land uses by the Molokai Community Plan and Maui County zoning, respectively. The proposed request seeks to amend the present zoning for the property in order to establish consistency with its State land use and community plan designations. Under the "No Action" alternative, the existing inconsistencies between the State land use, community plan, and zoning designations for the subject property would be maintained. As the long-term use and/ or development of the property would be problematic under this scenario, this alternative was not deemed a viable option and was therefore eliminated from consideration.

### **2. Deferred Action**

**Analysis.** This option would have similar consequences as the "No Action" alternative in that implementation of the project would be deferred indeterminately. Interest loan rates and market conditions would be determining factors in proceeding with the development of the subject property.

### **3. Other Alternatives**

**Analysis.** A summary of other alternatives that were examined is presented below:

**Reclassification to the State Rural Land Use District.** Section 15-15-21 of the Land Use Commission Rules establishes standards for determining State Rural District boundaries. Generally, rural lands include areas consisting of small farms, as well as

uses or activities characterized by low-density residential lots in areas where a “city-like” concentration of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with the low-density residential lots. Reclassification to the State Rural District would be inconsistent with the State land use (Urban) and Molokai Community Plan (Single Family) designations for the subject parcel and would alter future growth and development patterns by creating a pocket of lower density rural land uses bordered by properties designated for urban use and development.

***Reclassification to the County Rural Zoning District.*** Changing the zoning of the property to the County Rural Zoning District would have similar implications as reclassification to the State Rural District.

***More Lots.*** Increasing the number of lots would result in smaller lot sizes and greater density on the property. It is the Applicant's intent to maintain the rural/residential character of the surrounding area while limiting density to no more than one (1) single-family dwelling and one (1) accessory (*ohana*) dwelling per lot as permitted by R-3, Residential District zoning.

***Fewer Lots.*** Increasing lot sizes would produce fewer lots, reduce density, and minimize potential impacts upon infrastructure and public services. However, decreasing the number of lots would also require that development costs (e.g., design, planning, and engineering studies; infrastructure costs), be amortized over fewer lots thus increasing the cost per lot. In accordance with the Applicants' objective, the creation of a 4-lot subdivision would provide a settlement pattern that would neither compromise the rural residential character of the surrounding area nor over-burden public services and infrastructure.

### III. DESCRIPTION OF THE EXISTING ENVIRONMENT, POTENTIAL IMPACTS AND MITIGATION MEASURES

#### A. PHYSICAL ENVIRONMENT

##### 1. Land Use

***Existing Conditions.*** From a sub-regional perspective, the subject property is situated in an area of mixed land uses. In the vicinity of the property, lands designated for urban use are *makai* of Kamehameha V Highway, while rural and agricultural uses are *mauka* of the highway.

This settlement pattern is consistent with the land uses established for the area by the Molokai Community Plan. For example, the community plan designates the coastal lands *makai* of Kamehameha V Highway and a number of parcels *mauka* of the highway for single-family residential use. The Kawela Homes Subdivision is located in an area designated for rural use by the community plan. This 8-lot subdivision lies west of and adjacent to existing single-family development on the *mauka* side of the highway. The remaining *mauka* lands, which comprise the Kawela Plantation Subdivisions, are designated for agricultural use by the community plan.

***Potential Impacts and Mitigation Measures.*** From a regional planning perspective, urban land uses usually occur in areas that possess compatible land uses and possess infrastructure and public services that can accommodate such development.

The subject property is located in an area of existing urban development. The proposed 4-lot subdivision is located in proximity to existing properties that are also designated for single-family use by the Molokai Community Plan. Supporting off-site water system improvements for the subdivision have been completed. Power and phone line extensions and the installation of individual wastewater systems will be implemented by lot owners when each lot is developed. Existing public services are deemed adequate and are capable of serving the subdivision.

## 2. Topography and Soils

**Existing Conditions.** The terrain of the subject property is relatively level and free of vertical landforms. Onsite elevations range from approximately 6 feet above mean sea level (amsl) at its northern extent to approximately 3.6 feet amsl along its southern limits.

According to the “Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai, and Lana’i, State of Hawaii” prepared by the U.S. Department of Agriculture, Soil Conservation Service (August 1972), the soil associated with the subject property is Kealia silt loam (KMW), 0 to 1 percent slopes. (See Figure No. 7, Soils Map). This soil is poorly drained and has a high content of salt. Ponding occurs in low areas after a heavy rain. When the soil dries, salt crystals accumulate on the surface. Kealia silt loam has a brackish water table that fluctuates with the tides; the water table is nearer the surface along the shoreline than in inland areas. Permeability is moderately rapid; runoff is slow to very slow. The hazard of water erosion is no more than slight, but the hazards of wind erosion is severe when the soil is dry and the surface layer becomes loose and fluffy. Kealia silt loam is used for wildlife habitat and pasture, but it has low grazing value. It is not used for crops, because of poor drainage and high salt content. Small areas are used for urban development.

**Potential Impacts and Mitigation Measures.** Site work for each parcel will be the responsibility of lot owners and involve grubbing, excavation, and embankment for building pads, driveway aprons, utility connections, and individual wastewater systems.

Modifications to the existing landform will unavoidably occur as a result of ground altering construction activities; however, this change is not expected to have a significant impact upon the existing topography. To the extent possible, earthwork will be kept to a minimum and cut and fill quantities will be balanced to reduce site work costs and maintain the existing drainage pattern. Erosion control measures and Best Management Practices prepared in accordance with the Maui County grading ordinance (Chapter 20.08) will also be implemented during construction activities to minimize soil

loss and sedimentation

### 3. Flood and Tsunami Zone

**Existing Conditions.** As reflected by the Federal Emergency Management Agency's flood insurance rate map for this part of the island, the property lies in Zone "A2", an area of 100 year flooding with base flood elevations and flood hazard area factors determined (Community Panel Number 150003 0085C, Revised September 6, 1989). (See Figure No. 8, Flood Insurance Rate Map). The subject parcel also lies within a tsunami inundation area as indicated by the Civil Defense tsunami evacuation map for this part of the island. The limits of tsunami inundation extend 200 feet *mauka* of Kamehameha V Highway.

**Potential Impacts and Mitigation Measures.** The cottage at the east end of the subject property was constructed on post and piers to elevate the structure above the base flood elevation, which ranges from 6 feet above mean sea level (amsl) by the coastline to 8 feet amsl near Kamehameha V Highway. Any new developments in Zone "A2" are subject to the provisions of Chapter 19.62 of the Maui County Code relating to "Flood Hazard Areas". As such, lot owners must obtain Special Flood Hazard Area Development Permits for any dwellings or other substantial improvements prior to the commencement of construction. To minimize impacts due to construction activities, all site work conducted by lot owners will comply with Chapter 20.08 of the Maui County Code pertaining to "Soil Erosion and Sedimentation Control." In addition, Best Management Practices and site-specific drainage schemes will be incorporated into the grading and erosion control plans for each lot to ensure that surface runoff will not adversely impact neighboring or downstream properties.

### 4. Flora and Fauna

**Existing Conditions.** Except for the improvements cited in Chapter I, the subject property is undeveloped and has experienced no alterations to its natural state. Plant life on the subject property primarily consists of scattered trees and scrub vegetation. A

number of large monkeypod trees are located near Kamehameha V Highway and in areas on the *mauka* half of the subject property. In addition to *naupaka*, pickleweed, and seashore grass, which occupy areas along the shoreline, a coconut tree, scattered *kiawe* and various grasses and weeds characterize plant life on the remainder of the property. Animal life typically found in the area include cats, mice, rats, and mongoose, while avifauna includes the common mynah, house finch, barred dove, spotted dove, and Japanese white-eye.

***Potential Impacts and Mitigation Measures.*** There are no known rare, threatened or endangered species of flora and fauna located on the subject property.

*Note: For Lot B and D it was verified prior to construction that there was no existence of wetlands on subject property.*

## 5. Air Quality

***Existing Conditions.*** Air quality refers to the presence or absence of pollutants in the atmosphere. It is the combined result of the natural conditions (e.g. dust from wind erosion) and emissions from a variety of pollution sources (e.g. automobiles, power generating facilities). The impact of land development activities on air quality in the area of a development project differs by project phase (site preparation, construction and occupancy) and project type. The air quality on Molokai is relatively good. Non-point source emissions (automobile) are not significant enough to generate a high concentration of pollutants. The good air quality can also be attributed to the region's exposure to wind, which quickly disperses concentration of emissions. The island of Molokai is currently in attainment of all criteria pollutants established by the Clean Air Act, as well as State of Hawaii Air Quality Standards.

***Potential Impacts and Mitigation Measures.*** Air quality refers to the presence or absence of pollutants in the atmosphere. It is the combined result of the natural conditions (e.g. dust from wind erosion) and emissions from a variety of pollution sources (e.g. automobiles, power generating facilities). The impact of land development



activities on air quality in the proposed development's locale differs by project phase (site preparation, construction and occupancy) and project type. Air quality impacts attributed to the proposed action could include dust generated by construction-related activities. Site work, such as grubbing, grading, and building construction could generate airborne particulates. Adequate dust control measures that comply with the applicable provisions of Hawaii Administrative Rules, Chapter 11-60.1, "Air Pollution Control," will be implemented during all phases of construction. Dust control measures, including but not limited to the following, will implemented during construction activities.

- Providing an adequate water source prior to start-up of construction for use in dust control.
- Landscaping and rapid covering of bare areas, including slopes, beginning with the initial grubbing and grading phase.
- Controlling of dust from shoulders, project entrances and other access roads.
- Providing adequate dust control measures during weekends, after hours and prior to daily start-up of construction activities.
- Controlling of dust from debris hauled away from the project site.
- Erecting a dust fence to shield nearby properties.

In addition, non-potable or reclaimed/ recycled water will be used for dust control purposes during the construction phase to the extent practicable. In the long term, vehicles owned by subdivision residents may result in a slight increase in the volume of traffic in the region, which would increase vehicular emissions such as carbon monoxide. However, this increase is not considered significant when compared to ambient air quality conditions and the overall number of vehicles in the Central Molokai area. As such, the proposed action is not anticipated to be detrimental to local air quality.

## 6. Noise Characteristics

***Existing Conditions.*** The level of background noise is an important indicator of environmental quality. In an urban environment, noise is due primarily to vehicular traffic, air traffic, heavy machinery, and heating, ventilation, and air-conditioning equipment. Invasive noise levels and the types of activities occurring in an area may affect health conditions and the overall appeal of an area or neighborhood. Ambient noise in the project area is relatively low and is generally attributable to vehicle traffic along Kamehameha V Highway and nearby roadways.

**Potential Impacts and Mitigation Measures.** In the short-term, the proposed action could generate potentially adverse impacts during construction. Noise from heavy construction equipment, such as bulldozers, front-end loaders, and material-carrying trucks and trailers, would be the dominant source of noise during the construction period. To minimize construction-related impacts on nearby residences, the Applicant will limit construction to normal daylight hours and comply with Chapter 11-46 of the Hawaii Administrative Rules pertaining to Community Noise Control. From a long-term perspective, the 4-lot subdivision is not expected to have a significant impact upon noise levels in the area due to the small volume of traffic generated by the project.

## **7. Archaeological/Cultural Resources**

**Existing Conditions.** In its October 8, 2001 letter commenting on the subdivision application for the 4-lot subdivision (See Appendix A), the State Historic Preservation Division (SHPD) indicated that the proposed action would have "*no effect*" on significant historic sites since the subject property consists of recently accreted lands. The SHPD letter notes that an 1880 map of *ahupua* 'a of Kawela shows that the property was not in existence at that time. Since the subject property appears to have been in existence for the last 100 years or less, the SHPD indicated that it is unlikely that significant historic sites are present.

**Potential Impacts and Mitigation Measures.** The development of the 4-lot subdivision is not expected to have an adverse impact upon historic and cultural resources. In the unlikely event that cultural deposits or human remains are encountered during ground altering construction activities, work will stop in the immediate vicinity of the find and the find will be protected from further disturbance. The SHPD will be promptly notified to determine the significance of the find and establish appropriate mitigation measures if required.

## 8. Scenic Resources

**Existing Conditions.** The subject property is an oceanfront parcel on the *makai* side of Kamehameha V Highway. The terrain of the property is relatively level with elevations ranging from 6 feet above mean sea level (amsl) by the highway to 3.6 feet amsl near the shoreline. The eastern half of the subject property was cleared in the past in connection with development of the existing cottage and associated site improvements. A number of large monkey pod trees are located near Kamehameha V Highway and in areas on the mauka half of the subject property. Other trees on the property include a single tall coconut palm and mature kiawe, which grows individually, as well as in scattered stands.

Depending on your location on the site, the ocean and the island of Lanai can be seen to the south of the subject property, while the Molokai uplands can be observed to the north. Looking *makai* from Kamehameha V Highway, only the horizon (ocean) is visible through the eastern half of the property. The property's level topography and plant life on the remainder of site preclude a broader view perspective.

**Potential Impacts and Mitigation Measures.** Visual resources will not be adversely impacted by the proposed action, as the subject property does not contain any features of scenic importance. *Makai* views from Kamehameha V Highway will not be adversely impacted by the 4-lot subdivision, as the existing monkeypod trees will be retained. While the subdivision will alter the visual character of the site upon completion, the 30-foot building height limitation for the R-3, Residential Zoning District combined with the effective use of landscape plantings will help moderate changes to the pre-development condition of the site.

## B. SOCIO-ECONOMIC ENVIRONMENT

### 1. Population

**Existing Conditions.** The County of Maui experienced relatively strong population growth during the past decade with the 2000 resident population reaching 128,241, a 27.6% increase over the 1990 population of 100,504. Population growth is expected to

continue as the resident population for the year 2010 is projected to reach 151,269 an increase of 18% (SMS Research and Marketing Services, Inc., June 2002).

From 1990 to 2000, the island of Molokai experienced a slower growth rate as evidenced by a 10.2% increase in its resident population. During this period, the population increased from 6,717 in 1990 to 7,404 in 2000. For the year 2014, the population on Molokai is projected to increase to 7,500.

**Potential Impacts and Mitigation Measures.** Using national demographic multipliers of standard housing types for total household size (American Housing Survey, 1987), the 4-lot subdivision may increase the region's population by approximately 25 persons (3.18 multiplier x 8 homes = 25.4 or "" 25). In terms of impacts, this gain is minimal as it represents only 0.3% of the island's current population and is not expected to adversely alter population and demographic characteristics.

## 2. Economy

**Existing Conditions.** Kaunakakai, the island's major population and commercial center is located midway along the southern coast, approximately 8 miles west of the subject property. Pineapple cultivation was once a dominant force behind Molokai's economy. However, the island's economy was deeply affected by the closure of Dole's pineapple operations in 1976 followed by the termination of Del Monte's activities in 1983. Today, the local economy is rooted in tourism, government, small businesses, and diversified agriculture (vegetable farming, cattle ranching).

**Potential Impacts and Mitigation Measures.** On a short-term basis, the development of the 4-lot subdivision will support the economy through direct and indirect construction related employment and the purchase of materials and services. In the long term, residents of the subdivision will contribute to the economy through the payment of sales and property taxes and the purchase of goods and services from local businesses.

## 3. Housing

**Existing Conditions.** The intent of Maui County's housing policy is to ensure that the

housing needs of its residents are addressed in accordance with the Maui County General Plan. This housing policy applies to zoning changes that establish land use designations under which a "*residential housing project*" is developed. As defined by the policy, a "*residential housing project*" is a project that provides ten (10) or more long-term residential housing units or lots. The policy is also used as a guideline for commenting and/or reviewing other land use related requests.

For a "*residential housing project*," County affordable housing requirements may be addressed through various means such as: 1) the sale or rent of affordable housing units to income qualified households; or 2) a monetary contribution based upon the equivalent number of affordable units which would have otherwise been provided by the Applicant; or 3) the provision of developable lands; or 4) the provision of in-kind services which are approved by the Housing Director.

**Potential Impacts and Mitigation Measures.** An accessory (*ohana*) dwelling is permitted in the R-3, Residential Zoning District when the area of the lot where the main dwelling is located is at least 7,500 square feet. As related to the proposed action, a maximum of eight (8) dwellings would be permitted for the 4-lot subdivision.

Although the proposed action involves a zoning change, it does not fall under the definition of a "*residential housing project*" as prescribed by the County's affordable housing policy. It should be noted, however, that any dwellings that are rented for long-term housing would increase the inventory of single-family units that are available for residential use and occupancy.

## C. PUBLIC SERVICES

### 1. Recreational Facilities

**Existing Conditions.** The County Department of Parks and Recreation (DPR) operates and maintains a well-developed park system on Molokai that consists of ten (10) parks totaling 41.5 acres. These facilities are spread out across the island and include five (5) community parks, four (4) neighborhood parks, and one (1) special area park. Since

population centers are dispersed across the island, communities generally share park facilities. The Molokai community has access to nine (9) sports fields, six (6) tennis courts, four (4) tot lots, and three (3) sports courts. (RM. Towill, July 2002).

***Potential Impacts and Mitigation Measures.*** The 4-lot subdivision is not expected to have a significant impact upon recreational facilities. County parks in the Kawela area include Kakahai'a Park, which is located approximately 0.5 mile to the east of the subject property, and One Ali'i Park, which is situated approximately 1.25 mile to the west of the property. Kakahai'a Park encompasses 0.8 acre and provides 12 picnic tables and roadside parking along the length of the park. One Ali'i Park covers 11 acres and consists of a covered picnic pavilion (2,160 sq. ft.) with outdoor kitchen, 16 picnic tables throughout the park, an unpaved parking area (300 sq. ft.), a multi-purpose field (2.53 acres), an outdoor stage (360 sq. ft.), and two (2) comfort stations.

The Maui Shoreline Access Inventory Update – Final Report (2005) identifies two (2) public shoreline parks in the Kawela region. Kakahaia Park (16) lies approximately 1800 feet to the east of the subject property, while Moku (17) is located approximately 2200 feet to the west of the property.

Pursuant to Section 18.16.320 of the Maui County Code, a subdivider must: 1) provide or dedicate land for park and playground purposes; or 2) provide a monetary contribution to the County, or 3) improve a park in the community plan area, or 4) provide an equivalent combination of the foregoing. Proposals for the satisfaction of park assessment requirements are subject to the review and approval of the Parks Director. The contribution of land or cash is based upon an assigned value per lot for each lot in excess of three (3) lots resulting from the subdivision. For land, this value is 500 square feet per lot, while for cash, the value is the park assessment fee per lot for the appropriate community plan region. For example, the land requirement for the 4-lot subdivision would be 3,500 square feet (4 lots - 3 lots = 1 lot X 500 SF = 500 SF). Based upon the DPR's fee schedule for fiscal year 2011, the park assessment for the Molokai Community Plan area is \$2,035.00 per lot. For the 4-lot subdivision, the park

assessment fee would be \$2,035.00 (4 lots - 3 lots exemption = 1 lot X \$2,035.00).

In connection with the processing of the subdivision application for the 4-lot subdivision, the DPR has requested a cash contribution in lieu of land. To address this requirement, the Applicant will remit the park assessment fee (\$2,035.00) to the DPR prior to final subdivision approval.

## **2. Police and Fire Protection**

***Existing Conditions.*** The Maui Police Department (MPD) is responsible for the preservation of the public peace, prevention of crime, and protection of life and property. The department's Molokai patrol district is headquartered in Kaunakakai and is budgeted for 28 uniformed officers. The district is divided into two (2) motorized routes with each beat patrolled by a single officer (RM. Towill, July 2002). In addition to regular patrols, the Molokai patrol district provides a community-oriented policing program and a D.A.R.E. officer, a school resource officer, and a criminal investigation detective.

The mandate of the Maui Fire Department is to protect life, property, and the environment from fires, hazardous material releases and other life-threatening emergencies. The department has 14 stations throughout the County including three (3) stations on Molokai. The Kaunakakai Station is responsible for a portion of Central Molokai, including Kaunakakai and the subject property. The Ho'olehua Station handles West Molokai and part of Central Molokai, while the Puko'o Station covers East Molokai (R.M. Towill, July 2002).

***Potential Impacts and Mitigation Measures.*** In light of the scope of the proposed action and the projected population growth for Molokai, the 4-lot subdivision will not result in a significant increase in the resident population nor will it extend the existing service area limits for the police and fire departments. In this light, the proposed action is not expected to have an adverse impact upon existing police and fire protection services.

### 3. Schools

**Existing Conditions.** The island of Molokai is served by several public schools including Maunaloa, Kaunakakai, Kualapu'u, and Kilohana Elementary Schools, as well as Molokai Intermediate School and Molokai High School. Molokai's two (2) private schools, Molokai Mission School and Molokai Christian Academy, serve students from Kindergarten through Grade 8 (R.M. Towill, July 2002).

**Potential Impacts and Mitigation Measures.** Using national demographic multipliers of standard housing types for school age children (American Housing Survey, 1987), the 4-lot subdivision may increase the student population in area schools by the following: Grades K to 6: 4 students; Grades 7 to 8: 1 student; and Grades 9 to 12: 1 student.

In terms of the projected population growth for Molokai and the scale of the proposed action, the 4-lot subdivision will have a minimal effect on the resident population and is not expected to create a demand for new school facilities or additional educational services. As such, the proposed action is not expected to have an adverse impact upon existing educational facilities.

### 4. Medical Facilities

**Existing Conditions.** Molokai General Hospital, a 30-bed rural health care facility, provides the only emergency room and urgent care clinic for residents and visitors. In addition, several private care physicians on the island provide medical care and out patient services. Emergency medical care is provided by a 24-hour ambulance facility located in Kaunakakai (R.M. Towill, July 2002).

**Potential Impacts and Mitigation Measures.** When considering the scope of the proposed action in light of the projected population growth for Molokai, the 4-lot subdivision will not result in a significant population increase, nor will it generate a demand for new or additional health care facilities or extend the existing service area



limits for emergency medical care. In this context, the proposed action is not anticipated to have an adverse impact upon existing medical facilities.

## **5. Solid Waste**

***Existing Conditions.*** The Naiwa Landfill encompasses nearly 12 acres of a 25-acre parcel that is owned by the County of Maui. The landfill, which accepts solid waste for the entire island, receives approximately 17 tons of refuse per day and has an estimated capacity of 580,000 cubic yards. The 25-acre site includes composting and recycle drop-off facilities. An adjacent 10-acre parcel to the southwest of the landfill is available for future expansion (R.M. Towill, July 2002). The County's solid waste collection program collects and disposes of residential refuse in (3) major districts; Wailuku (including Kahului and South Maui), Makawao (including Haiku, Kula, Paia, and Pukalani) and Lahaina (West Maui). Refuse collections in Hana, Lana'i, and Molokai are conducted by the County's Highways Division.

***Potential Impacts and Mitigation Measures.*** When lot owners develop each parcel in the future, remnant construction waste will be transported to the Naiwa Landfill for disposal. After completion, County collection crews will handle residential refuse disposal. In the context of the proposed action and the projected population growth for Molokai, refuse generated by the 4-lot subdivision will not adversely affect solid waste collection and disposal services and facilities.

## D. INFRASTRUCTURE

### 1. Water

**Existing Conditions.** The County Department of Water Supply (DWS) provides domestic water service to the following areas of Molokai: Kawela-Kaunakakai, Ualapue, Kalae, and Halawa areas of Molokai. The State Department of Hawaiian Home Lands provides service to homestead lands on the island, while the Molokai Irrigation System and the State Department of Agriculture systems in Central Molokai serve agricultural users. Kaluakoi, Molokai Ranch, and Alpha, Inc. operate independent water systems that serve privately owned lands in West Molokai. The total sustainable yield for the island of Molokai is 81 million gallons per day (RM. Towill, May 2003).

**Potential Impacts and Mitigation Measures.** As previously stated, on- and off-site water system improvements for the subject property were constructed in 2003 to comply with County requirements for final subdivision approval. The completed improvements included approximately 250 linear feet of 8-inch waterline, two (2) fire hydrants, two (2) double service laterals, and two (2) water meters.

Based on two (2) dwellings per lot, the potable water demand for the 4-lot subdivision is estimated to range between 4,800 gallons per day (gpd) to 14,841 gpd. Utilizing the domestic consumption guideline for estimating average daily demand (State of Hawaii, Water System Standards, 1985), this projection is based upon the gallons per unit standard (8 units)(600 gallons/unit = 4,800 gpd), as well as the gallons per acre standard (4.947 acres X 3,000 gals/acre = 14,841 gpd).

The 4-lot subdivision is not expected to have an adverse impact upon the potable water source, storage, and distribution network that serves the Central Molokai area. Domestic water service for the subdivision will be provided by the completed water system improvements, which were designed in accordance with DWS rules and regulations.

## 2. Wastewater

**Existing Conditions.** With the exception of the individual wastewater system that serves the existing cottage at the east end of the property, there is no other sewer system on the subject property nor is there any public wastewater system in the vicinity of the site.

The County of Maui operates public sewer systems in Kaunakakai and Kualapu'u. Sewage from the Kaunakakai system is conveyed to the Kaunakakai Wastewater Reclamation Facility for treatment; treated effluent is used for irrigation and the excess is disposed of via injection wells. Wastewater collected by the Kualapu'u system flows to a private wastewater treatment facility owned by Molokai Ranch (R.M. Towill, May 2003).

**Potential Impacts and Mitigation Measures.** As there is no public wastewater system serving the project area, the 4-lot subdivision will not impact this component of the public infrastructure system. At the time that each parcel is developed, individual lot owners will be responsible for the installation of their own individual wastewater systems (septic tank, leach field). The design and installation of individual wastewater systems is regulated by the State Department of Health (DOH) and will comply with Hawaii Administrative Rules, Chapter 11-62 pertaining to "Wastewater Systems".

## 3. Drainage

**Existing Conditions.** There is no drainage system on the subject property nor is there any public drainage system in the surrounding area. The property is characterized by level topography with elevations ranging from 6 feet above mean sea level (amsl) at its northern extent to 3.6 feet amsl along its southern limits. Surface runoff on the site flows in a *mauka-makai* direction or ponds in low-lying areas on the property.

**Potential Impacts and Mitigation Measures.** At such time that each lot is developed, site work for each parcel will be the responsibility of lot owners and involve grubbing,

excavation, and embankment for building pads, driveway aprons, utility connections, and individual wastewater systems.

The existing off-site drainage pattern will be maintained and the incremental increase between pre- and post-development runoff will be retained on site. Erosion control measures and Best Management Practices prepared in accordance with the Maui County grading ordinance (Chapter 20.08) will be implemented during construction activities to minimize soil loss and sedimentation, as well as adverse impacts to coastal water quality and the near-shore marine environment.

Drainage system improvements for each lot will be designed in accordance with the "Rules for the Design of Storm Drainage Facilities in the County of Maui". A detailed drainage report and calculations, as well as grading and erosion control plans and site-specific Best Management Practices, will be submitted to the County in connection with the review of the subdivision's construction plans. The construction plans will be prepared in accordance with Chapter 20.08 of the Maui County Code to ensure that runoff from the subdivision will not have an adverse impact upon downstream and adjacent properties. As the construction of dwellings will be the responsibility of individual lot owners, grading and erosion control plans for each lot will be reviewed by the County during the building permit application process.

#### **4. Roadways**

***Existing Conditions.*** Kamehameha V Highway is the only roadway linking East, Central, and West Molokai. This State highway is configured as a two-way facility with paved shoulders and one (1) travel lane in each direction. The posted speed limit in the vicinity of the subject property is 35 miles per hour.

***Potential Impacts and Mitigation Measures.*** Given its limited size and low-density, the 4-lot subdivision is not expected to have an adverse effect upon the existing roadway system nor is it anticipated to result in any significant traffic impacts. The Applicant will provide her fair share contribution toward regional traffic improvements should the County's traffic impact fee program be adopted prior to final subdivision approval.

## 5. Electrical and Telephone Service

***Existing Conditions.*** Maui Electric Company and Verizon Hawaii provide electrical and telephone service for Molokai. In the project area, overhead utility lines located on the *mauka* side of the Kamehameha V Highway right-of-way provide these services to area residents.

***Potential Impacts and Mitigation Measures.*** Electrical and telephone service is currently provided to the existing cottage at the east end of the subject property. The installation of power and phone line extensions to serve the remaining lots will be coordinated with Maui Electric Company and Hawaiian Telcom.

## **IV. RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES, AND CONTROLS**

### **A. STATE LAND USE LAW**

The rules of the State Land Use Commission are set forth in Chapter 205, Hawaii Revised Statutes (HRS). These rules establish four (4) land use districts in the State of Hawaii into which all lands in the State are placed: Urban, Rural, Agricultural, and Conservation. The subject property is located in the State Urban District. (See Figure 4, State Land Use Map). The use of this land for the 4-lot residential subdivision is consistent with the Urban designation for the property. In addition, the re-zoning of the subject property (from Interim to the R-3, Residential District) would establish consistency with the State land use Commission's Urban designation for the property.

### **B. GENERAL PLAN OF THE COUNTY**

The General Plan of the County of Maui includes the Countywide Policy Plan and the individual Community Plans and provides long-term goals, objectives, and policies directed toward improving living conditions in the County.

The proposed action is consistent with the Goals and Objectives of the Countywide Policy Plan.

## **C. MOLOKAI COMMUNITY PLAN**

Maui County has adopted nine (9) community plans. Each community plan examines the conditions and needs of the planning region and outlines objectives, policies, planning standards, and implementing actions to guide future growth and development in accordance with the Maui County General Plan. Each community plan serves as a relatively detailed agenda for implementing the objectives and policies of the General Plan.

The subject property is located within the Molokai Community Plan region and is designated for Single Family use by the community plan's land use map (See Figure 5, Community Plan Map). The updated community plan was adopted by Ordinance No. 3022 and went into effect on December 19, 2001.

The following goals, objectives, policies, and planning standards of the Molokai Community Plan are applicable to the proposed action.

### **Land Use**

#### Goal

Enhance the unique qualities of the island of Molokai to provide future generations the opportunity to experience rural and traditional lifestyles.

#### Objectives and Policies

1. Require all zoning, discretionary land uses, and development approvals to be consistent with the community plan and be subject to public review.
2. Subdivision approvals should consider environmental, economic, and social impacts of the project, including impacts on archaeological, and historic, and cultural resources and should undergo public review to allow neighbors the opportunity to comment.
20. Require infrastructure concurrency for all new development including but not limited to: school and park facilities, fire and police protection, roadways, water, and wastewater systems.

## **Environment**

### Goal

Preserve, protect, and manage Molokai's exceptional natural land and water resources to ensure that future generations may continue to enjoy and protect the island environment.

### Objectives and Policies

5. Protect and manage coastal water quality through best management land treatment practices.
14. Preserve the island's scenic vistas and natural features, and maintain ocean view corridors along coastal roads.

## **Design**

### Goal

Harmony between the natural and man-made environments to ensure that the natural beauty and character of Molokai is preserved.

## **Planning Standards.**

### Design

1. Limit building height throughout the island to two stories or thirty-five feet above grade ....
5. Consider existing topographical features in building design, building bulk, and height.

### Subdivisions

1. Subdivision review for applications of four (4) lots or more shall include the following considerations and meet the following standards:

#### *Environmental Design*

Lot configurations, roadways, and subdivision improvements shall be designed to respect existing landforms, coastal and aquatic resources, biological resources, and cultural/historic resources to the greatest extent possible.

#### *Socio-Economic Considerations*



The direct and cumulative impacts on agriculture and the socio-economic impacts on the community shall be assessed and considered.

*Improvements*

County urban subdivision standards shall not apply to the island of Molokai except in areas where deemed appropriate, in regards to the following improvements: curb, gutter, sidewalks; street lighting except where necessary for safety reasons; pavement width should not exceed 20 feet.

*Minimum Lot Size*

Minimum lot size in the Agricultural District shall be 25 acres, except for bonafide Agricultural Parks, or Family Subdivisions which do not detract from the agricultural or rural character or are of 3 lots or less.

*Agency and Public Review*

All applications for subdivision of four or more lots shall be noticed to afford public review and comment. The Department of Public Works and Waste Management shall request and incorporate the recommendation of the Planning Director in regards to the proposed subdivision's conformance with the standards, objectives, and policies of the Molokai Community Plan.

The use of the subject property for the 4-lot subdivision is in consonance with the land use (Single Family) designated for the site by the Molokai Community Plan. In addition, the rezoning of the property from County Interim to the R-3, Residential District will provide overall consistency with the State land use and community plan designations for the site, address a condition for final subdivision approval, and facilitate the development of the subdivision.

## **D. COUNTY ZONING**

The subject property is zoned for Interim uses by the County of Maui. Interim Zoning provides interim regulations for the appropriate use of land pending the establishment of comprehensive zoning for the property. Under Interim Zoning, permitted land uses include: 1) one-family dwellings; 2) one- or two-story duplex dwellings; 3) hospitals, sanitariums, convalescent homes; 4) day care nurseries, museums, churches, libraries, schools; 4) publicly-owned buildings; 5) public utility uses; 6) expansion of existing

parks, playgrounds, community centers; and 7) agricultural uses.

In order to obtain final subdivision approval for the 4-lot subdivision, consistency must be established among the current State land use, community plan, and zoning designations for the subject property. Section 18.04.030 of the Maui County Code pertaining to Subdivisions states in pertinent part that “the director shall not approve any subdivision that does not conform to or is consistent with the county general plan, community plans, land use ordinances, the provisions of the Maui County Code, and other laws relating to the use of land...”. As final subdivision approval would be subject to this provision, the Applicant is seeking to change the County zoning of the subject property from Interim to the R-3, Residential District in order to establish State land use, community plan, and zoning consistency for the property. In accordance with this request, the Applicant submits that the proposed action meets the following criteria for a zoning change as set forth in Section 19.510.040 of the Maui County Code.

1. *The proposed request meets the intent of the general plan and objectives and policies of the community plans of the County.*

**Analysis:** As described in Sections B and C of Chapter IV, the proposed request meets the intent of the Maui County General Plan and the objectives and policies of the Molokai Community Plan.

2. *The proposed request is consistent with the applicable community plan land use map of the County.*

**Analysis:** The Molokai Community Plan land use map identifies areas of future growth and development in the region and was adopted by Ordinance No. 3022, which went into effect on December 19, 2001. The subject property is designated for Single Family uses by the community plan land use map. The change in zoning would establish conformity with the Single Family designation established for the site by the community plan land use map.

3. *The proposed request meets the intent and purpose of the district being*

*requested.*

**Analysis:** Pursuant to Chapter 19.08 of the Maui County Code pertaining to Residential Districts, this change in zoning request meets the purpose and intent of Chapter 19.08, is in consonance with residential land uses in the surrounding area, and conforms to the Maui County General Plan and Molokai Community Plan. The granting of the proposed request would establish zoning consistency with the State land use (Urban) and Molokai Community Plan (Single Family) land use designations for the subject property.

4. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements.*

**Analysis:** As discussed in Sections C and D of Chapter III, the 4-lot subdivision will not significantly impact public or private services, facilities, and infrastructure systems nor is it expected to adversely affect or interfere with public requirements, conveniences, and improvements.

5. *The application, if granted would not adversely impact the social cultural, economic, environmental, and ecological character and quality of the surrounding area.*

**Analysis:** As discussed in Chapter III, the proposed action will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area.

6. *If the application for change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the U.S. Soil Conservation Service.*

**Analysis:** Not applicable.

## **E. SPECIAL MANAGEMENT AREA OBJECTIVES AND POLICIES**

The subject property is located within the limits of the Special Management Area (SMA) for the island of Molokai. All proposed developments within the SMA are evaluated with respect to SMA objectives, policies, and guidelines. This section addresses the relationship of the proposed action to applicable coastal zone management considerations as set forth in Chapter 205A, HRS.

### **1. Recreational Resources**

Objective: Provide coastal recreational resources accessible to the public.

Policies:

- (A) Improve coordination and funding of coastal recreation planning and management; and
- (B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:
  - (i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;
  - (ii) Requiring placement of coastal resources having significant recreational value, including but not limited to surfing sites, fishponds, and sand beaches, when such resources will be unavoidably damaged by development; or require reasonable monetary compensation to the state for recreation when replacement is not feasible or desirable;
  - (iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;
  - (iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;
  - (v) Ensuring public recreational use of county, state, and federally owned or controlled shoreline lands and waters having standards and conservation of natural resources;
  - (vi) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational

value of coastal waters;

- (vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing;
- (viii) Encourage reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, county planning commissions; and crediting such dedication against the requirements of Section 46-6, HRS.

**Analysis.** County parks in the Kawela area include Kakahai'a Park, which is located approximately 0.5 mile to the east of the subject property, and One Ali'i Park, which is situated approximately 1.25 mile to the west of the property. In addition, a public shoreline access lies approximately 2200 feet to the west of the subject property, while another access is located approximately 1800 feet to the east of the property. The proposed action will not impact coastal recreational resources, as these County parks and accesses provide recreational opportunities and public access to the shoreline.

## **2. Historical/Cultural Resources**

Objective: Protect, preserve and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Policies:

- (a) Identify and analyze significant archeological resources;
- (b) Maximize information retention through preservation of remains and artifacts or salvage operations; and
- (c) Support state goals for protection, restoration, interpretation, and display of historic structures.

**Analysis.** The proposed action supports the SMA objective of protecting and preserving historic and cultural resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

### **3. Scenic and Open Space Resources**

Objective: Protect, preserve and, where desirable, restore or improve the quality of coastal scenic and open space resources.

Policies:

- (a) Identify valued scenic resources in the coastal zone management area;
- (b) Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;
- (c) Preserve, maintain, and where desirable, improve and restore shoreline open space and scenic resources; and
- (d) Encourage those developments that are not coastal dependent to locate in inland areas.

**Analysis.** As discussed in Section III of this report the proposed action will modify existing makai views from Kamehameha V Highway. However, no significant impacts to scenic and open space resources are anticipated, as the proposed action will essentially maintain the existing rural residential character of the surrounding area.

### **4. Coastal Ecosystems**

Objective: Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.

Policies:

- (a) Improve the technical basis for natural resource management;
- (b) Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;
- (c) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and
- (d) Promote water quantity and quality planning and management practices, which reflect the tolerance of fresh water and marine ecosystems and prohibit land and water uses, which violate state water quality standards.

**Analysis.** As described in Section III of this report, the proposed action is not expected to have an adverse effect upon the region's coastal ecosystem. With the incorporation of Best Management Practices and appropriate mitigation measures during and after construction, no significant adverse impacts to near-shore waters from point and non-point sources of pollution are anticipated.

## **5. Economic Uses**

Objective: Provide public or private facilities and improvements important to the State's economy in suitable locations.

Policies:

- (a) Concentrate coastal dependent development in appropriate areas;
- (b) Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area;
- (c) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such development and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:
  - (i) Use of presently designated locations is not feasible;
  - (ii) Adverse environmental impacts are minimized; and
  - (iii) The development is important to the State's economy.

**Analysis.** The subject property is located in the State Urban District and is designated Single-Family and Interim by the Molokai Community Plan and Maui County zoning, respectively. While single-family dwellings are permitted under Interim Zoning, land use consistency between the State land use, community plan, and zoning designations for the property is required for final subdivision approval. The establishment of R-3, Residential District zoning for the subject property is in consonance with and not contrary to the State land use and community plan designations for the property.

Furthermore, the subject property is located in an appropriate area as lands in the vicinity of the site are designated for single family uses as well.

## **6. Coastal Hazards**

Objective: Reduce hazard to life and property from tsunami, storm waves ..stream flooding, erosion, subsidence and pollution.

Policies:

- (a) Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and non-point source pollution hazards;
- (b) Control development in areas subject to storm wave, tsunami, flood, erosion, subsidence, and point and non-point pollution hazards;
- (c) Ensure that developments comply with requirements of the Federal Flood Insurance Program;
- (d) Prevent coastal flooding from inland projects; and
- (e) Develop a coastal point and non-point source pollution control program.

**Analysis.** As discussed in Section III of this report, the subject property is located in Zone "A2", an area of 100-year flooding. (See: Figure No.8, Flood Insurance Rate Map). As development in Zone "A2" is subject to the provisions of Chapter 19.62 of the Maui County Code relating to "Flood Hazard Areas," lot owners must obtain Special Flood Hazard Area Development Permits for any dwellings or other substantial improvements prior to the commencement of construction. To minimize impacts due to construction activities, all site work conducted by lot owners will comply with Chapter 20.08 of the Maui County Code pertaining to "Soil Erosion and Sedimentation Control." In addition, Best Management Practices and site-specific drainage schemes will be incorporated into the grading and erosion control plans for each lot to ensure that surface runoff will not adversely impact neighboring or downstream properties.

## **7. Managing Development**

Objective: Improve the development review process, communication, and public participation in the management of coastal resources hazards.



Policies:

- (a) Use, implement, and enforce existing laws effectively to the maximum extent possible in managing present and future coastal zone development;
- (b) Facilitate timely processing of applications for development permits and resolve overlapping of conflicting permit requirements; and
- (c) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning process and review process.

**Analysis.** The proposed action is in consonance with the SMA objective and policies for managing development.

## **9. Beach Protection**

Objective: Protect beaches for public use and recreation.

Policies:

- (a) Locate new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion;
- (b) Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and
- (c) Minimize the construction of public erosion-protection structures seaward of the shoreline.

**Analysis.** The proposed action will not involve any activities such as clearing, grading or landscaping nor will it involve the construction or placement of any permanent or temporary structures within the shoreline setback area or makai of the certified shoreline. Should a lot owner propose improvements within the shoreline setback area in the future, the lot owner will be responsible for obtaining the necessary regulatory permits and approvals for the activity or work.

## **10. Marine Resources**

Objective: Implement the State's ocean resources management plan.

Policies:

- (a) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;
- (b) Assure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;
- (c) Coordinate the management of marine and coastal resources and activities management to improve effectiveness and efficiency;
- (d) Assert and articulate the interest of the state as a partner with federal agencies in the sound management of the ocean resources within the United States exclusive economic zone;
- (e) Promote research, study, and understanding of ocean processes, marine life, and other ocean development activities relate to and impact upon the ocean and coastal resources; and
- (f) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

**Analysis.** The proposed action does not involve the direct use or development of marine resources. In addition, by incorporating site-specific erosion and sedimentation control measures during and after construction, adverse impacts to near-shore waters from point and non-point sources of pollution are not expected. From this perspective, the proposed action is not expected to have a significant impact on coastal or marine resources.

## **F. SHORELINE SETBACK AREA**

The subject property abuts the shoreline and has an average lot depth of 441 feet. A black sand beach, pickleweed, seashore grass, and naupaka define the shoreline character of the property.

A shoreline certification survey was conducted to establish the shoreline of the subject property. (See Appendix B, Certified Shoreline Survey) As there are no Annual Erosion Hazard Rate Maps for the island of Molokai, the shoreline setback line for the property

is determined to be 110 feet from the certified shoreline. This determination is based on County of Maui criteria for the establishment of shoreline setback lines, which states in pertinent part that, *"A lot with an average lot depth of 160 feet or more shall have a shoreline setback line either at 150 feet from the shoreline or at the distance from the shoreline calculated by multiplying the average lot depth of the lot by .25, whichever is the least distance from the shoreline."*

The proposed action does not involve any activity (clearing, grading, landscaping) within the shoreline setback area nor does it involve the construction or placement of any permanent or temporary structures within this area. Should a lot owner propose improvements within the shoreline setback area in the future, the lot owner will be responsible for obtaining the necessary regulatory permits and approvals for the activity or work.

## V. FINDINGS AND CONCLUSIONS

The Applicant proposes to ultimately subdivide a 4.957-acre parcel of land in the Kawela area of Central Molokai and create a 4-lot subdivision with each lot containing a minimum area of 10,000 square feet. Onsite improvements such as grubbing and grading, power and phone line extensions, the construction of homes, and the installation of driveway aprons and individual wastewater systems will be the responsibility of lot owners and will be implemented at such time their lots are developed.

The subject property is located in the State Urban District and is designated for Single Family and Interim uses by the Molokai Community Plan and Maui County zoning, respectively. Pursuant to Chapter 18.04 of the Maui County Code pertaining to Subdivisions, *"the director shall not approve any subdivision that does not conform to or is inconsistent with the general plan, community plans, land use ordinances, the provisions of the Maui County Code, and other laws relating to the use of land ... "*

Due to the inconsistency between the State land use, community plan, and zoning designations for the property, the Applicant proposes to change the County zoning of the parcel from Interim to the County R-3, Residential District.

In context of the proposed action, the existing physical and socio-economic environment has been described in the preceding chapters of this report. Similarly, potential impacts and appropriate mitigation measures have also been discussed and evaluated. In terms of secondary impacts, which are indirect effects that are caused by an action and occur later in time or are farther removed in distance, the proposed action is not expected to induce significant changes in development or land use patterns, nor is it anticipated to increase property values, generate new demands for housing, public services, and infrastructure or affect population density or growth rate.

After build out, the 4-lot subdivision is not expected to have an adverse impact upon the

physical environment (surrounding land uses, topography and soils, flora and fauna, environmentally sensitive areas, air and noise quality, historic and cultural resources, views and open space), the socio-economic environment (population, the economy), public services (parks, schools, health care, police and fire protection, refuse collection and disposal), and infrastructure (water, sewer, roadway, electrical, and telephone systems).

In light of the foregoing, the proposed land use reclassification for the 4-lot subdivision is not expected to result in any significant impacts to the physical and socio-economic environment nor is it anticipated to adversely affect public services and infrastructure systems.

## VI. REFERENCES

- Burchell, Robert W., David Listokin, et al. *Development Impact Assessment Handbook*. Washington, D.C. ULI- The Urban Land Institute, 1994.
- County of Maui, Department of Planning. *Public Facilities Assessment Update, County of Maui*. July 15, 2002. Wilson Okamoto & Associates, Inc.
- County of Maui, Department of Planning. *Infrastructure Assessment Update, County of Maui*. May 2003. Wilson Okamoto & Associates, Inc.
- County of Maui, Department of Planning. *Maui County Community Plan Update Program: Socio-Economic Forecast, Phase I Report*. June 14, 2003. Prepared by SMS.
- County of Maui, Office of Economic Development. 2002. *Maui County Data Book*.
- County of Maui, Department of Planning. December 19, 2001. *Molokai Community Plan*.
- County of Maui, Department of Planning. 2005. *Shoreline Access Inventory Update – Final Report*.
- County of Maui, Department of Planning. March 24, 2010. *County of Maui 2030 General Plan, Countywide Policy Plan*.
- County of Maui, Department of Planning. January 1984. *Molokai Community Plan*.
- Federal Emergency Management Agency. *Flood Insurance Rate Map*. Community Panel Number 150003 0085C, Revised September 6, 1989.
- State of Hawaii, Water System Standards, 1985. *Domestic Consumption Guideline, Average Daily Demand*
- State of Hawaii, Office of Planning. November, 1977. *Agricultural Lands of Importance to the State of Hawaii*.
- University of Hawaii, Department of Geography. 1983. *Atlas of Hawaii*. Second Edition.
- University of Hawaii, Land Study Bureau. May 1967. *Detailed Land Classification - Island of Maui*.
- U.S. Department of Agriculture, Soil Conservation Service in Cooperation with the University of Hawaii, Agricultural Experiment Station. 1972. *Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai, and Lana'i, State of Hawaii*.